

By: Farrar

H.B. No. 1216

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the promotion of breast-feeding and the prohibition
3 against interference with or restriction of the right to
4 breast-feed.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 165.002, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 165.002. RIGHT TO BREAST-FEED. (a) A mother is
9 entitled to breast-feed her baby in any location in which the mother
10 is otherwise authorized to be.

11 (b) A business entity or an owner or employee of the entity
12 may not interfere with or restrict the right of a mother, including
13 a mother who is an employee of the entity, to breast-feed in
14 accordance with this section.

15 (c) The refusal of a business entity to allow an employee to
16 exercise the right to breast-feed provided by this section
17 constitutes an unlawful employment practice under Chapter 21, Labor
18 Code.

19 SECTION 2. Subchapter A, Chapter 165, Health and Safety
20 Code, is amended by adding Section 165.0035 to read as follows:

21 Sec. 165.0035. PHYSICIAN DESIGNATION AS "BREAST-FEEDING
22 FRIENDLY." (a) A physician licensed to practice medicine in this
23 state may use the designation "breast-feeding friendly" in the
24 physician's promotional materials if the physician develops a

1 policy supporting breast-feeding. The policy must require the
2 physician to:

3 (1) provide training on the benefits of breast-feeding
4 for the physician's staff who provide health care services to
5 patients;

6 (2) encourage a pregnant patient to breast-feed her
7 child after the child's birth;

8 (3) provide breast-feeding information and materials
9 to pregnant women and mothers with infants;

10 (4) provide information on local breast-feeding
11 support groups to pregnant women and mothers with infants; and

12 (5) provide breast-feeding consultations to mothers
13 with infants and contact the mothers by telephone to provide
14 breast-feeding information and assistance.

15 (b) The physician must submit the physician's
16 breast-feeding policy to the department. The department shall:

17 (1) maintain a list of "breast-feeding friendly"
18 physicians who submit a policy under this section and comply with
19 this section; and

20 (2) make the list available on the department's
21 Internet website and for public inspection at the main office of the
22 department.

23 (c) The department shall publicize the breast-feeding
24 friendly program to all obstetricians, pediatricians, family
25 practice physicians, and general practice physicians who are
26 licensed to practice medicine in this state.

27 SECTION 3. The Department of State Health Services shall

H.B. No. 1216

1 develop and make available the list required by Section 165.0035,
2 Health and Safety Code, as added by this Act, not later than
3 September 1, 2006.

4 SECTION 4. This Act takes effect September 1, 2005.